

Town of Amherst
Zoning Board of Appeals - Special Permit
DECISION

Applicants: Adam Quenneville Roofing, Inc. (for Village Park Apartments)
160 Old Lyman Road, South Hadley, MA 01075

Owners: Related Affordable LP, 60 Columbus Circle, New York, N.Y. 10023

Date Application filed with the Town Clerk: March 1, 2007

Nature of request: Petitioner seeks a Special Permit, in accordance with Condition #1 of Special Permit ZBA FY69-66, to install vinyl siding and aluminum gutters

Location of property: 497 East Pleasant Street (Village Park Apartments)
Map 8D, Parcel 21, R-N zone.

Legal notice: Published in the Daily Hampshire Gazette on March 28 and April 4, 2007, and sent to abutters on March 26, 2007.

Board members: Barbara Ford, Hilda Greenbaum and Jane Ashby

Submissions:

The applicants submitted the following documents:

- A Site Plan (undated);
- Printouts from the Crane Performance Siding website, including specifications on the materials
- A letter dated March 1, 2007, from Adam Quenneville with attached photographs of the existing buildings, showing areas of deteriorated siding.

Town staff submitted the following documents:

- From the Fire Department, a memorandum dated March 6, 2007, stating that there does not appear to be an impact to access or operations of the Fire Department as a result of this proposal;
- From the Planning Department, copies of previous Special Permits issued for Village Park: ZBA FY69-66 and ZBA FY95-37

Site Visit: April 10, 2007

At the site visit the Board was met by Adam Quenneville and Brian Corriveau of Adam Quenneville Roofing, Inc., and Manny Vallelanes of the Village Park Apartments Management Office. The Board observed the following:

- The location of Village Park Apartments, off East Pleasant Street, on a wooded site;
- The pleasant outdoor open areas between buildings;
- The generally high level of maintenance of the buildings and property;
- The brown, vertical, wooden “barn-board” [known as Texture 111, according to Ms. Greenbaum] siding that covers all of the buildings;
- The deteriorated condition of the some of the wood siding;
- The lack of roof over-hangs, eaves and soffits, that has contributed to significant water damage;

- The wood frames around the windows that are proposed to be wrapped in vinyl;
- The bronze, metal window frames that will remain visible; the deck and stair rails to be painted.
- The areas of the buildings which will receive the different colors of vinyl siding;

Public Hearing: April 12, 2007

Adam Quenneville and Brian Corriveau of Adam Quenneville Roofing, Inc., presented the petition. They made the following comments:

- The applicant is applying for a Building Permit to install new siding and gutters;
- The condition of the original siding is fair; portions of the siding have coupled and paint is peeling;
- The buildings were constructed in 1971 and the original wood siding has completed its life cycle;
- Portions of the original wood siding have deteriorated; they will be removed and replaced; then the wood siding will be covered with insulation and the windows will be re-flashed; the wood window frames will be wrapped; after that the new vinyl siding will be installed;
- The Amherst Chamber of Commerce recommended Adam Quenneville Roofing to the new owners of Village Park Apartments, The Related Companies of New York City;
- Mr. Corriveau presented photographs of existing conditions including water damage inside a unit resulting from a leaking window;
- Some of the buildings have been repaired with tar applied to the outside to prevent leakage;
- The siding has been repainted numerous times;
- The new owners decided to install vinyl siding because the expense of maintaining the wood siding is too high; removing the existing wood siding and replacing it with new cedar siding is not financially feasible;
- Adam Quenneville Roofing will install the new siding and gutters; the company is registered and licensed with the state; the company has completed other large projects similar to this one;
- The new siding will be horizontal;
- Mr. Corriveau showed photographs of his home which has the same siding as that being proposed;
- Mr. Corriveau showed photographs of windows that have been flashed and covered with aluminum "stock coil"; this process of re-flashing and covering the frames will prevent water from entering around the windows;
- New seamless aluminum gutters and downspouts will be installed, in the same colors as the siding.

Deborah McDonough, the district manager for the new owner, made the following statements:

- Village Park Apartments participates in the Section 8 rental voucher program;
- Village Park Apartments must maintain a certain level of compliance with the standards for decent, safe housing as part of their participation in the Section 8 program;
- The tenants have been getting rain and moisture inside their units and the paint is peeling; this condition is not in compliance with required standards;
- The apartments are inspected annually by HUD;
- Mass Housing has given approval for this project to install vinyl siding.

Ms. Ford noted for the record that the original Special Permit [Condition #1 of ZBA FY1969-66] required that architectural plans were to be reviewed and approved by the Zoning Board of Appeals prior to construction. [The original plans were approved on March 18, 1971.]

Ms. Ford explained that a change to the original plans is being proposed. The change includes the addition of horizontal vinyl siding over the original vertical wood barn-board siding and the addition of seamless

aluminum gutters and downspouts. This is the reason that the applicants were required to come before the Board for a Special Permit.

Mr. Corriveau presented the colors and made the following statements:

- The colors were chosen by the owner;
- Approximately 80% of the surface area of the buildings will be “Clay” color; this will be installed on the main walls of the apartments; the gutters associated with these areas will also be “Clay” in color;
- Approximately 20% of the surface area will be “Country Beige”; this color will be installed on the protrusions or “bump outs”; the gutters associated with these areas will also be “Country Beige”;
- Mr. Corriveau and Mr. Quenneville presented samples of the siding for the Board’s review;
- The siding will have a 60-year warranty.

Bill Landry, the manufacturer’s representative from Crane Siding, introduced himself and stated that he was present to answer any questions that the Board members might have about the siding.

Ms. Ashby asked how many units there were in the complex. Mr. Vallellanes stated that there are 200 units in 28 buildings.

Ms. Ashby asked if there had been input from the residents regarding the proposed vinyl siding. Ms. McDonough stated that a meeting had been held on March 23, 2007, to discuss the proposed installation and that 17 or 18 residents had attended the meeting. She reported that she had received “positive feedback” from several residents. A notice had been issued to the residents to inform them about the meeting and she had kept notes from that meeting, which are available for the Board to review. She stated that the residents seemed to be pleased with the colors. Mr. Corriveau had been present at the meeting to answer questions.

Ms. Ashby asked why such different colors had been chosen and not colors similar to the original color. Ms. McDonough stated that the owners had wanted to brighten up the development and had chosen natural colors.

Ms. Ashby asked to see the elevations from the original drawings. The original drawings, approved by the Zoning Board of Appeals on March 18, 1971, were reviewed by the Board, with specific attention to the elevations showing the original vertical barn-board siding.

Ms. Greenbaum asked how the new layers, to be installed over the existing wood siding, would be dealt with at the places where the siding meets the roofline. She noted that the overhang on the gable ends of the buildings was minimal and she expressed concern that rain water would penetrate beneath the new siding at these points unless the ends were covered by roofing or flashing.

Mr. Corriveau stated that the company will devise a method of dealing with this problem. He described a plan to place flashing under the roof shingles and over the “J” channel (to which the siding will be attached). The flashing will be the same material as will be used to cover the wood frames around the windows. The metal flashing will go under the drip edge of the roof and will come down over the “J” channel to form a waterproof edge.

Bonnie Weeks, Building Commissioner, stated that the flashing will be an important aspect of the installation.

Ms. Ashby asked to have an explanation about where the lighter and darker colors were to be used. Mr. Corriveau and Mr. Vallellanes explained that the darker color (“Clay”) would be used on the main portions of

the buildings. The lighter color ("Country Beige") will be used on the areas that protrude, called the "bump outs". The balconies will all be the darker color and the entranceways that protrude will be the lighter color.

Ms. Ashby noted that, whereas the total area of the lighter color may cover 20% of the total building when looking at a building with "bump-outs", up to 40% of a given side would be covered with the lighter siding. This was confirmed by the contractor.

Ms. McDonough and Mr. Vallellanes explained that not all of the buildings have "bump outs". Only the 1 and 2 bedroom buildings have "bump outs". Mr. Vallellanes showed on the map the buildings that do and do not have "bump outs".

Christine Brestrup of the Planning Department reported on several conversations that she and her colleague, Carolyn Holstein, had had with Marianne Jackus, a resident who had lived at Village Park almost since its beginning. Ms. Jackus had been concerned about the plan to install vinyl siding. She had telephoned and had visited the Planning Department on multiple occasions to ask questions and express her concerns. After she received the notice regarding the public hearing she came in one more time. Ms. Brestrup met with her and showed her the website for Crane Siding. After viewing the website and seeing the colors that had been chosen, Ms. Brestrup and Ms. Jackus discussed the proposal to install vinyl siding. Ms. Brestrup asked Ms. Jackus if she wished to make a statement or write a letter to the Zoning Board regarding the proposal. Ms. Jackus stated that she did not wish to make a statement or write a letter regarding the proposal. She appeared to be satisfied with the information provided on the website. Ms. Jackus was out of town and unable to attend the public hearing.

Mary Lou Trow, a long-time resident of Village Park Apartments, stated that she was happy that something will be done to repair the buildings. She stated that she liked the darker color currently in use since it blended in more with the surroundings. She stated that the tenants did not have much input on the colors. She was disappointed that the chosen color was not darker. She asked about the process of installation and whether there would be an inspection of the siding that will be removed and whether there will be any hazardous materials used or produced during construction. Ms. Ford suggested that Ms. Trow discuss her concerns regarding hazardous materials with the Inspection Services Department.

Ms. Greenbaum MOVED to close the evidentiary portion of the public hearing. Ms. Ashby SECONDED the motion. The Board VOTED unanimously to close the evidentiary portion of the public hearing.

Public Meeting – Discussion

At the public meeting the Board discussed the colors that had been chosen. The Board also discussed and drafted the conditions that it would impose and the findings that it would make, under Section 10.38 of the Zoning Bylaw, if it granted the petition.

Ms. Greenbaum stated that she was ready to approve the application and that the colors were satisfactory. Ms. Ashby stated that she had some concerns. She directed the other Board members' attention to Section 10.395 of the Zoning Bylaw. Section 10.395 states that the proposal needs to be in harmony "with respect to the terrain and to the use, scale and architecture of existing buildings in the vicinity which have functional or visual relationship thereto." Ms. Ashby stated that the tenants should have had more input on the color choices and that the original design was for a mono-chrome color. She noted that the buildings are currently all the same color.

Ms. Greenbaum observed that when the buildings were first built the color was silvery cedar gray and that the current color (a dark brown stain) was a change from the original.

Ms. Weeks noted that at the time that the first Special Permit was granted, the color of the buildings was a major concern.

Ms. Ashby stated that the current color was the color that people were used to seeing. Ms. Ford noted that people do change the color of buildings and that she believed that the owners have a right to decide what color to use. Ms. Ford also noted that the applicant's representative had given the Board a report on the tenants' meeting and the report did not indicate dissatisfaction with the color.

Ms. Ashby stated that she was prepared to approve the application with a mono-chrome color scheme, but that she was not prepared to approve a two-toned color scheme.

Ms. Ford stated that she preferred the vertical wood siding that currently exists, but she understands the need for the change and would be able to accept the proposal.

There was extensive discussion regarding the color scheme, including discussion about the possibility of a contrasting color for the trim around the windows and edging.

Mr. Corriveau explained that the trim on the buildings will be the same as the color of the exterior walls.

Ms. McDonough presented a letter regarding the tenants' meeting and stated that the tenants were happy with the two-color scheme.

There was further discussion about the two-tone versus mono-chrome color choice. The Board members noted that they had options regarding a decision. They could deny the permit if they did not unanimously approve the color choice or they could vote to approve the concept of vinyl siding and ask to have the applicant come back at a later date to have the colors approved. This would give the applicant more time to discuss the options with the tenants.

Ms. McDonough stated that the applicants had already purchased the materials in the colors that were shown. They had not been aware of the need for a Special Permit. They thought that they only needed a Building Permit. There will be a financial hardship if the application is not approved as presented. There is no money to purchase addition siding. If the buildings are not repaired they will not be in compliance with the state agency's requirements and may continue to deteriorate.

The Board stated that the prior purchase of the materials was not relevant to the Board's decision.

Ms. Ford stated that the Board should consider the fact that the buildings are now a different color from the original color and that at the time of the original Special Permit there was concern that the buildings should blend in with the surroundings and not be noticeable. Ms. Ford and Ms. Greenbaum stated that the colors that had been chosen were earth colors and that they would blend in with the surroundings.

Mr. Corriveau and Mr. Vallenganes clarified for the Board exactly how much of the buildings' surface would be of the lighter color. Only the one-story "bump-outs" will be of the lighter color. All of the other exterior walls will be of the darker color on all of the buildings.

Public Meeting – Findings:

Under Zoning Bylaw Section 10.38 the Board found that:

10.380 – The proposal is suitably located in the neighborhood and is compatible with existing uses because there is no other neighborhood nearby; Village Park Apartments comprises its own neighborhood

- and the proposed siding is suitable for this immediate neighborhood.
- 10.382 – The proposal would not constitute a nuisance and reasonably protects the adjoining premises against detrimental or offensive uses on the site because the owners are trying to repair and maintain deteriorated portions of the buildings and are working to protect the buildings from problems caused by air and water and these units are far away from any other adjoining premises.
- 10.383 – The proposal would not be a substantial inconvenience or hazard to abutters, vehicles or pedestrians because the proposal only involves repairing the existing wood siding and installing new vinyl siding and aluminum gutters and downspouts. It will not affect pedestrians or vehicles.
- 10.384 – Adequate and appropriate facilities would be provided for the proper operation of the proposed use because the proposal involves encapsulating windows and drip edges of the roof to prevent water damage.
- 10.395 – The proposal does not create disharmony with respect to the scale and architecture of existing buildings because the buildings will all be covered in the proposed vinyl siding, the buildings relate to each other and the predominating color will be the darker “Clay” color and very little of the vinyl will be the “Country Beige” color. The new colors are of earthen tones and only the one-story protrusions or “bump-outs” will be of the lighter color. The major portions of all of the buildings will be of the darker “Clay” color.
- 10.398 – The proposal is in harmony with the general purpose and intent of the Zoning Bylaw because it promotes the health, safety, convenience and general welfare of the inhabitants of the Town of Amherst.

Public Meeting – Zoning Board Decision

Ms. Greenbaum MOVED to approve the conditions as drafted. Ms. Ford Seconded the Motion. The Board VOTED unanimously to approve the conditions as drafted.

Ms. Greenbaum MOVED to approve the findings as drafted. Ms. Ford SECONDED the motion. The Board VOTED unanimously to approve the findings as drafted.

Ms. Greenbaum MOVED to approve the application, in accordance with Condition #1 of the Special Permit ZBA FY 69-66, to install vinyl siding and aluminum gutters and downspouts, with conditions. Ms. Ford SECONDED the motion.

For all the reasons stated above the Board VOTED unanimously to grant a Special Permit with conditions, in accordance with Condition #1 of Special Permit ZBA FY69-66, to install vinyl siding and gutters, as applied for by Adam Quenneville Roofing, Inc., at 497 East Pleasant Street (Village Park Apartments) (Map 8D, Parcel 21, R-N zone)..

BARBARA FORD

HILDA GREENBAUM

JANE ASHBY

FILED THIS _____ day of _____, 2007 at _____,
in the office of the Amherst Town Clerk _____.

TWENTY-DAY APPEAL period expires, _____ 2007.
NOTICE OF DECISION mailed this _____ day of _____, 2007
to the attached list of addresses by _____, for the Board.

NOTICE OF PERMIT or Variance filed this _____ day of _____, 2007,
in the Hampshire County Registry of Deeds.

Town of Amherst
Zoning Board of Appeals

SPECIAL PERMIT

The Amherst Zoning Board of Appeals hereby grants a Special Permit, in accordance with Condition #1 of Special Permit ZBA FY69-66, to install vinyl siding and gutters, as applied for by Adam Quenneville Roofing, Inc., at 497 East Pleasant Street (Village Park Apartments) (Map 8D, Parcel 21, R-N zone), with the following conditions:

1. The proposal shall be built in accordance with the documents presented and approved by the Board on April 12, 2007.
2. The vinyl siding and aluminum gutters and downspouts shall be installed in the colors presented and approved. These colors are “Clay” on the main portions of the buildings and “Country Beige” on the one-story protrusions or “bump outs”. The lighter color shall only appear on the one story protrusions or “bump outs”.
3. The siding shall be installed, and the siding shall be cleaned and maintained, in accordance with the manufacturer’s specifications.
4. The signage on the buildings shall clearly identify the unit number and shall meet the conditions of the Zoning Bylaw and the requirements of the Fire Department with regard to address signs.

BARBARA FORD, Chair
Amherst Zoning Board of Appeals

DATE